



# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

January 11, 2012

Mayor Matti Herrera Bower  
Vice-Mayor Deede Weithorn  
Commissioner Jorge R. Exposito  
Commissioner Michael Góngora  
Commissioner Jerry Libbin  
Commissioner Edward L. Tobin  
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez  
City Attorney Jose Smith  
City Clerk Robert E. Parcher

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Call to Order - 9:00 a.m.  
Inspirational Message, Pledge of Allegiance  
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

#### Presentations and Awards

PA Presentations and Awards

#### Consent Agenda

C2 Competitive Bid Reports  
C4 Commission Committee Assignments  
C6 Commission Committee Reports  
C7 Resolutions

#### Regular Agenda

R2 Competitive Bid Reports  
R5 Ordinances  
R7 Resolutions  
R9 New Business & Commission Requests  
R10 City Attorney Reports

#### Reports and Informational Items

**Presentations and Awards**

- PA1 Presentation Of A Plaque And T-Shirt To The Mayor, City Commission, City Manager And City Attorney For Their Continued Support Of The City's Special Olympics Team Who Recently Represented The City And Participated In The State Games.  
(Parks & Recreation Department)
- PA2 Certificate Of Recognition To Be Presented To Café Avanti For Their Long Standing Contribution To The City Of Miami Beach.  
(Requested by Michael Góngora)
- PA3 Certificate Of Appreciation To Be Presented To The Gay And Lesbian Task Force Of Miami For Their Outstanding Fundraising Efforts For 2011.  
(Requested by Michael Góngora)
- PA4 Proclamation To Be Presented To Miami Beach Senior High School, Its Students, Parents, Administration And PTSA Board For Becoming An "A" School For The First Time.  
(Requested by Commissioner Jonah Wolfson)
- PA5 Certificates Of Appreciation To Be Presented To Octavio Rodriguez And Maria Makueria Of Walgreens Store #3942, For Their Toy Collection Drive For The Miami Beach Fire Department Toy Giveaway.  
(Requested by Mayor Matti Herrera Bower)
- PA6 Proclamation To Be Presented To Elsie Howard For Her Many Years Of Service At The Visitors And Convention Authority.  
(Requested by Mayor Matti Herrera Bower)

**CONSENT AGENDA**

**Action:**  
**Moved:**  
**Seconded:**  
**Vote:**

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Issue A Request For Qualifications (RFQ) For Citywide Surveying, Topographical, And Mapping Services On An As-Needed Basis.  
(Capital Improvement Projects/Public Works/Procurement)

**C2 - Competitive Bid Reports** (Continued)

- C2B Request For Approval To Issue A Request For Qualifications (RFQ) For Citywide Geotechnical And Laboratory Testing Services On An As-Needed Basis.  
(Capital Improvement Projects/Procurement)
- C2C Request For Approval To Issue A Request For Proposals (RFP) For Security Guard Services.  
(Procurement)
- C2D Request For Approval To Award A Contract To Miami Stagecraft, Inc., Pursuant To Invitation To Bid (ITB) No. 12-11/12, For Purchase And Delivery Of Stage Lighting For The Colony Theatre, In The Total Amount Of \$41,323.25.  
(Tourism & Cultural Development/Procurement)

**C4 - Commission Committee Assignments**

- C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Placement Of A Barbara Capitman Memorial Bust In Lummus Park.  
(Requested by Mayor Matti Herrera Bower)
- C4B Referral To The Land Use And Development Committee - Discussion Regarding An Ordinance Proposed By A Business Owner To Allow Alcohol Service In Nude Adult Establishments.  
(Requested by Mayor Matti Herrera Bower)
- C4C Referral To The Finance And Citywide Projects Committee - Proposed Amendment To Chapter 106, Article VI (Towing And Immobilization Of Vehicles) Providing For The City's Right To Audit Towing Permittees Engaged In Towing Vehicles On Private Property.  
(Requested by Commissioner Jerry Libbin)

**C6 - Commission Committee Reports**

- C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On November 14, 2011: **1)** Attendance. **2)** Review And Acceptance Of Minutes. **3)** Public Comments. **4)** Old Business/Requested Reports: **4A)** Status Of Water Reclamation Project In Golf Courses; **4B)** Status Report: Sunset Island I & II; **4C)** Status Report: Sunset Island III & IV; **4D)** Status Report: Lower North Bay Road; **4E)** Status Report: Venetian Islands; **4F)** Status Report: Palm & Hibiscus Islands; **4G)** Status Report: Flamingo Park; **4H)** Status Report: Stormwater Master Plan.

**C6 - Commission Committee Reports** (Continued)

- C6B Report Of The Finance And Citywide Projects Committee Meeting On December 6, 2011: **1)** Discussion Of A Proposed Modification Of The Promissory Note Dated February 5, 2007, Between MBCDC: Meridian Place, LLC, A Florida Limited Liability Corporation, To The Miami Beach Redevelopment Agency; And To Discuss A Subordination Of The City's Mortgages In Favor Of A Mortgage Made By A Commercial Lending Institution. **2)** Discussion Concerning City Fees And Charges For Gay Pride 2012. **3)** Discussion And Review Of City's Investment Policy. **4)** Discussion Regarding The Public Beachfront Concessions Agreement. **5)** Request For Approval To Issue A Request For Proposals (RFP) For Security Guard Services. **6)** Discussion Pertaining To The Issuance Of A Request For Proposals (RFP) For Auditing Services For The City's (CAFR), (OMB A-133 Single Audit), The Miami Beach Redevelopment Agency's Basic Financial Statements (RDA), (PSF), (VCA) Financial Statements, The Miami Beach Convention Center, As Managed By Global Spectrum, Financial Statements, The Children's Trust Program, The Building Better Communities Bonds Program, And The Safe Neighborhood Parks And Bond Program (SNP). **7)** Discussion Of Right-Of-Way Recycling Program. **8)** Discussion On FPL Franchise Payments To The City Of Miami Beach. **9)** Discussion On Outsourcing Of Lincoln Road Mall Maintenance Services.
- C6C Report Of The Neighborhoods/Community Affairs Committee Meeting On December 8, 2011: **1)** Discussion Of Potential Policies For The Nomination/Number Of Memorials Or Commemorative Plaques. **2)** Follow-Up Discussion And Request For Direction Concerning The Continuation Or Termination Of The Dog Off-Leash Pilot Program Approved By The City Commission In South Pointe Park. **3)** Discussion Regarding Neighborhood Park/Street-Ends Bus Bench Issue. **4)** Discussion On The Viability Of Storing City Directed Towed Vehicles On Terminal Island. **5)** Discussion Regarding An Ordinance Which Prohibits Docking On City Owned Property, Specifically Seawalls. **6)** Discussion To Consider Leaving The Altos Del Mar Location As Passive Greenspace. **7)** Discussion Regarding A Proposal For A Donation Of Art Pieces To Be Displayed On Lincoln Road. **8)** Discussion Regarding The Ongoing Store Front Damages And Graffiti Issues On Washington Avenue.

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach, Florida, And The Cat Network, Inc., To Provide Low-Cost Spay/Neuter Services For Stray, Homeless And Abandoned Cats; In The Estimated Amount Of \$80,000 Over Two Years, Funded By The Petsmart Charities® Grant To The City Of Miami Beach; Said Agreement Approval Is Subject To The Successful Execution Of The Grant Agreement With Petsmart Charities®.  
(City Manager's Office)
- C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach, Florida And Barry University To Be The Provider Of Home Visiting Services For The Parent-Child Home Program, In Accordance To The Children's Trust Contract #1128-1090, In An Estimated Amount Of \$73,326.00.  
(Community Services)

**C7 - Resolutions** (Continued)

- C7C A Resolution Amending Resolution No. 2011-27713, Which Approved And Authorized The Mayor And City Clerk To Execute: 1) Amendment No. 1 To The Purchase And Sale Agreement, Dated July 14, 2010, Between The City Of Miami Beach And The Housing Authority Of The City Of Miami Beach (HACMB), For The Purchase Of A Perpetual Easement Over The Property Located At 1231-1251 17th Street, Miami Beach, Florida, For The Purpose Of Constructing A Bridge Connecting West Avenue And Dade Boulevard; Said Amendment To Extend The "Inspection Period", As Defined Therein; And 2) Amendment No. 1 To The Accompanying Development Agreement Between The City And HACMB, Having A Commencement Date Of September 15, 2010; Said Amendment To Extend The "Due Diligence Period", As Defined Therein; Said Amendment To Resolution No. 2011-27713 To Reference The Actual Dates Of The Extensions To The Inspection And Due Diligence Periods, As Granted By The HACMB, To May 11, 2012.  
(Economic Development)
- C7D A Resolution Amending The City's Investment Policy And Procedures, As Adopted By Resolution No. 95-21726 And Amended By Resolutions No. 97-22315 And No. 2007-26602 By Adding Israeli Bonds As Authorized Investments, Adding Maximum Percentage Per Issuer And Replacing The Investment Committee With The Investment Advisor.  
(Finance Department)
- C7E A Resolution Retroactively Approving A Month To Month Extension To The Services Framework Agreement Between The City And Parkeon Inc. For Technical Support Services, Parkfolio And Online Credit Card Processing, Maintenance, And Extended Hardware Warranty; Said Extension Commencing On December 24, 2011 And Expiring No Later Than June 30, 2013.  
(Parking Department)
- C7F A Resolution Authorizing The Administration To Issue Purchase Orders In The Amount Of \$225,000 For The Maintenance And Repair Of The Gated Revenue Control Equipment For The City's Parking Garages From The Sole Source Provider, Consolidated Parking Equipment.  
(Parking Department)
- C7G A Resolution Approving And Appropriating Funding For The Sole Source Purchase Of Software Upgrades To The Gated Revenue Control Equipment From Consolidated Parking Equipment For The City's Parking Garages, In An Amount Not To Exceed \$30,250.  
(Parking Department)
- C7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1, In A Negotiated Not-To-Exceed Amount Of \$164,102.94, To An Existing Agreement Between The City Of Miami Beach And Valleycrest Landscape Development, Dated October 13, 2010, For Landscape Maintenance Services On The Boardwalk, Beachwalk, Street Ends, And Spoil Areas Citywide, Said Amendment For The Inclusion Of The Miami Beach Soundscape.  
(Parks & Recreation)

**C7 - Resolutions** (Continued)

- C7I A Resolution Approving A Federal Equitable Sharing Agreement With The United States Department Of Justice And The United States Department Of The Treasury, And Authorizing The Mayor And The City Clerk To Execute The Agreement.  
(Police Department)
- C7J A Resolution Authorizing The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, To Accept A Donation Of A T3 Motion Series ESV Three Wheel Electric Vehicle, With An Approximate Value Of \$9,000.00, From Mr. Adam Rose, Which Will Be Utilized For Specialized Patrol Along Walkways, Beachwalks And Mall Areas.  
(Police Department)
- C7K A Resolution Setting A Public Hearing For The February 8, 2012 City Commission Meeting, To Consider Granting A Revocable Permit To 1790 Alton Holdings LLC, As Owner Of The Property Located At 1790 Alton Road, To Allow A Concrete "Eyebrow" To Extend Into The Public Right-Of-Way On 18th Street And The Service Road Adjacent To Alton Road (And A Minimum Of 14 Feet Above The Sidewalk).  
(Public Works)
- C7L A Resolution Authorizing The Administration And City Attorney's Office To Proceed With, And Take Any And All Required Actions Relative To The Condominiumization Of The City-Owned Property Located At 1661 Pennsylvania Avenue, Miami Beach, Florida.  
(Real Estate, Housing & Community Development)
- C7M A Resolution Retroactively Approving And Authorizing The Appropriation Of A Contribution From The Ocean Drive Association And Orange Bowl Committee Of \$60,000 In Support Of The 2011-2012 New Year's Celebration.  
(Tourism & Cultural Development)

**End of Consent Agenda**

**REGULAR AGENDA**

**R2 - Competitive Bid Reports**

- R2A Request For Approval To Issue A Request For Qualifications (RFQ) From Qualified Developers For A Public-Private Mixed-Use Development In Miami Beach For The Enhancement Of The Miami Beach Convention Center Campus/District, Including The Expansion Of The Miami Beach Convention Center And Development Of A Convention Center Hotel.  
(City Manager's Office)

**R5 - Ordinances**

- R5A An Ordinance Amending Chapter 110 Of The City Code, Entitled "Utilities," By Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure," By Amending Division 3, Entitled "Billing Procedure," By Amending Section 110-191, Entitled "Payment Of Bills," By Amending 110-191(B) By Changing The Penalty For Late Utility Bills From Ten Percent Of The Current Bill To 0.833% Per Month Of The Late Outstanding Balance; Providing For Repealer, Severability, Codification And Effective Date. **10:15 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Jonah Wolfson)  
(Legislative Tracking: Finance Department)  
(First Reading on December 14, 2011)
- R5B An Ordinance Amending Chapter 26 Of The Miami Beach City Code Entitled "Civil Emergencies," By Amending Article II, Entitled "State Of Emergency," By Repealing Section 26-32, Entitled "Automatic Emergency Measures" Due To The Preemption Of The Entire Field Of Regulation Of Firearms To The State Of Florida; By Amending Chapter 70, Entitled "Miscellaneous Offenses," By Amending Article I, Entitled "In General," By Repealing Section 70-2, Entitled "Weapons; Discharging," Due To The Preemption Of The Entire Field Of Regulation Of Firearms To The State Of Florida; By Amending Chapter 106 Of The Miami Beach City Code, Entitled "Traffic And Vehicles," By Amending Article III, Entitled "Parades," By Amending Division 2, Entitled "Permit," By Amending Section 106-375(A)(1) To Repeal Language Regarding The Regulation Of Firearms That Is Preempted By The State Of Florida, And To Provide That Weapons Shall Not Include Any Destructive Device Or Firearm As Defined Under Florida Law; Providing For Repealer, Severability, Codification, And An Effective Date. **10:20 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Jerry Libbin)  
(Legislative Tracking: City Attorney's Office)  
(First Reading on December 14, 2011)

**R5 - Ordinances** (Continued)

- R5C An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-10, Entitled "Animals Prohibited In Public Parks And On Beaches" To Cross-Reference Language In Section 10-11 Regarding Off-Leash Areas For Dogs; By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Until July 15, 2012, By Providing Off-Leash Hours In The Designated Area In The Morning From Sunrise To 10:00 A.M. Daily And Between 4:00 P.M. And 7:00 P.M. Monday Through Friday, And Relocating The Off-Leash Area To The South And East Of The Washington Avenue Entry Plaza; Providing For Repealer, Severability, Codification, And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Requested by the Administration And Neighborhoods/Community Affairs Committee)

(Legislative Tracking: City Attorney's Office)

(First Reading on December 14, 2011)

- R5D Recycling Ordinance

An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending The Definitions In Article I, Entitled "In General," By Amending Section 90-2, Entitled "Definitions"; By Amending Article II, Entitled "Administration" By Amending The Penalties For Solid Waste Violations And To Provide Provisions And Penalties Relative To Recycling For Multifamily Residences And Commercial Establishments; By Creating Article V, To Be Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," To Provide Provisions For Recycling Requirements And Enforcement, A Public Education Program, A Warning Period, An Enforcement Date, Collector Liability, A "Red Tag" Noticing System, Penalties, And Special Master Appeal Procedures; Providing For Repealer, Severability, Codification, And An Effective Date. **10:35 a.m. Second Reading Public Hearing**

(Requested by Commissioner Jonah Wolfson)

(Legislative Tracking: Public Works)

(Continued from October 19, 2011, 2011/Referred to FCWP)

- R5E RPS-4 Heights 2011

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District", Section 142-696 "Residential Performance Standard Area Requirements" To Modify The Maximum Height Requirements For Residential Apartment Structures; By Amending Section 142-697 "Setback Requirements In The R-PS 1, 2, 3, 4 District," To Modify The Setback Requirements For Oceanfront Buildings; Providing For Repealer, Codification, Severability And An Effective Date. **5:00 p.m. Second Reading Public Hearing**

(Requested by Commissioner Jonah Wolfson)

(Legislative Tracking: Planning Department)

(First Reading on December 14, 2011)



**R5 - Ordinances** (Continued)

- R5F An Ordinance Granting To Florida Power And Light Company, Its Successors And Assigns, An Electric Franchise Imposing Provisions And Conditions Relating Thereto, Providing For Monthly Payments To The City Of Miami Beach, And Providing For An Effective Date. **5:05 p.m. Second Reading Public Hearing**  
(Requested by the City Commission)  
(Legislative Tracking: Public Works)  
(First Reading on December 14, 2011)
- R5G An Ordinance Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article IV, "Vessels," Section 66-151, "Launching And Hauling," To Prohibit Docking, Securing, Embarking Or Disembarking Vessels At Municipal Or Public Seawalls, Wharfs, Docks Or Bulkheads In Single Family Neighborhoods, Creating Exceptions, Providing For Repealer; Codification; Severability And An Effective Date. **First Reading**  
(Requested by Vice-Mayor Deede Weithorn)  
(Legislative Tracking: City Attorney's Office)
- R5H An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 5, "Board Of Adjustment," Section 118-134, "Notification Of Hearings," Article IV, "Conditional Use Procedure," Section 118-193 "Applications For Conditional Uses"; Article VI, "Design Review Procedures;" Article X, "Historic Preservation;" And Article XI "Neighborhood Conservation Districts (NCD);" To Clarify That Continuances Shall Be Noticed By Mail After The First Continuance Granted By A Land Use Board; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading**  
(Requested by Commissioner Jonah Wolfson)  
(Legislative Tracking: Planning Department)
- R5I Temporary Removal Of Parking Spaces  
An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 82, "Public Property," Amending Section 82-384, "Permitted Sidewalk Café Frontage; Requests For Expansion," To Permit Sidewalk Cafes To Extend Into A Loading Zone Fronting A Restaurant; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading**  
(Requested by the Land Use & Development Committee)  
(Legislative Tracking: Planning Department)

**R7 - Resolutions**

- R7A A Resolution Granting And Authorizing The Mayor And City Clerk To Execute An After-The-Fact Revocable Permit To ASR Berwick Family LTD Partners, As Owner Of The Commercial Property Located At 335 West 47<sup>th</sup> Street, To Retain A/C Units, A Utility Room, And A Trash Enclosure, Currently Placed Within The Public City Right-Of-Way On West 47<sup>th</sup> Court. **10:30 a.m. Public Hearing**

(Public Works)

- R7B Amendments To The FY 2010/11 And 2011/12 Budgets
1. A Resolution Adopting The Second Amendment To The FY 2010/11 General Fund Budget And The First Amendment To The Enterprise, Internal Service And Resort Tax Funds Budgets For Fiscal Year (FY) 2010/11.
  2. A Resolution Adopting The First Amendment To The General Fund, Enterprise, Internal Service And Special Revenue Funds Budgets For Fiscal Year (FY) 2011/12 To Appropriate Encumbrances And Prior Appropriations Carried Forward From FY 2010/11 And To Appropriate Funds Carried Forward For Special Revenue Budgets  
(Budget & Performance Improvement)  
**(Memorandum & Resolutions to be Submitted in Supplemental)**

- R7C A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Their October 27, 2011 Meeting To Extend The Current Management Agreement With Greensquare On A Month-To-Month Basis Until Such Time As The New Flamingo Tennis Center Is Nearing Completion And Coordinate The Issuance Of A New Tennis Centers Operations And Management Request For Proposals (RFP) In A Manner To Have The Selected Operator In Place To Coincide With The Grand Opening Of The New Flamingo Park Tennis Center Facility And Authorizing The Issuance Of The Above Referenced Request For Proposals As Described.  
(Parks & Recreation)

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments.  
(City Clerk's Office)

- R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**R9 - New Business and Commission Requests** (Continued)

- R9C The Committee Of The Whole Will Meet During Lunch Recess In The City Manager's Large Conference Room To Discuss The Audit Committee.  
(Budget & Performance Improvement)
- R9D The Committee Of The Whole Will Meet During Lunch Recess In The City Manager's Large Conference Room To Discuss The Community Satisfaction Survey.  
(Budget & Performance Improvement)
- R9E Discussion And Update Regarding The Tennis Management Contract RFP.  
(Requested by Commissioner Edward L. Tobin)  
(Deferred from December 14, 2011)
- R9F Discussion Regarding Creating A Tennis Committee.  
(Requested by Commissioner Jonah Wolfson)  
(Deferred from December 14, 2011)
- R9G Discussion Regarding An Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Creating Division 33, To Be Entitled "Tennis Advisory Committee," And By Creating Sections 2-190.148 Through 2-190.153 Thereto To Create A Tennis Advisory Committee And Provisions Establishing The Committee And Its Mission, Powers, Duties, Composition, And Supporting Department; And Providing For Repealer, Severability, Codification, And An Effective Date.  
(Requested by Commissioners Michael Góngora)  
(Deferred from December 14, 2011)
- R9H Discussion And Update On The Citywide Dunes Maintenance Plan.  
(Requested by Commissioner Edward L. Tobin)  
(Deferred from December 14, 2011)

**R10 - City Attorney Reports**

- R10A City Attorney's Status Report.  
(City Attorney Office)

**R10 - City Attorney Reports** (Continued)

**R10B Closed Attorney-Client Session**

Pursuant To §286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

The City Of Miami Beach, Vs. Hargreaves Associates, Incorporated, Et Al, Eleventh Judicial Circuit Of Florida, Case No. 10-61979 CA 03, 11<sup>th</sup> Judicial Circuit In And For Miami-Dade County, Florida.

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On January 11, 2012 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation Matter.

The Following Individuals Will Be In Attendance: Mayor Matti Herrera Bower; Members Of The City Commission: Jorge Exposito, Michael Góngora, Jerry Libbin, Edward Tobin, Deede Weithorn And Jonah Wolfson; City Manager Jorge Gonzalez, City Attorney Jose Smith, First Assistant City Attorney Steven Rothstein, Special Counsel Richard Lydecker, And Special Counsel Meredyth Cooper.

**R10C Closed Attorney-Client Sessions**

Pursuant To §286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

1) 1100 West Properties, LLC V. City Of Miami Beach, Circuit Court Case No. 09-70789 CA 23

2) City Of Miami Beach V. 1100 West Properties, LLC, Circuit Court Appellate Division Case No.: 11-505 AP

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On January 11, 2012 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor Matti Herrera Bower; Members Of The City Commission: Jorge Exposito, Michael Góngora, Jerry Libbin, Edward Tobin, Deede Weithorn And Jonah Wolfson; City Manager Jorge Gonzalez, City Attorney Jose Smith, And First Assistant City Rhonda Montoya Hasan.

**R10 - City Attorney Reports** (Continued)

R10D Attorney Client Session

Pursuant To §286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

Museum Walk Apartments V. City Of Miami Beach, Eleventh Judicial Circuit Of Florida, Appellate Jurisdiction, Case Nos. 11-058-061; 068-074; 076-084; 086-087; 115-124; 662; And 670

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On January 11, 2012 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Litigation Strategy With Regard To The Above-Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor Matti Herrera Bower; Members Of The City Commission: Vice Mayor Deede Weithorn, Edward Tobin, Jorge Exposito, Michael Góngora, Jerry Libbin And Jonah Wolfson; City Attorney Jose Smith, City Manager Jorge Gonzalez, First Assistant City Attorney Rhonda Montoya Hasan And First Assistant City Attorney Steven Rothstein.

**Reports and Informational Items**

Reports and Informational Items (see LTC #004-2012)

**End of Regular Agenda**

## **Miami Beach Redevelopment Agency**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
January 11, 2012**

Chairperson of the Board Matti Herrera Bower

Member of the Board Jorge Exposito

Member of the Board Michael Góngora

Member of the Board Jerry Libbin

Member of the Board Edward L. Tobin

Member of the Board Deede Weithorn

Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez

Assistant Director Jorge Gomez

General Counsel Jose Smith

Secretary Robert E. Parcher

### **AGENDA**

#### **1. NEW BUSINESS**

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The First Amendment To The Operating Budget For The City Center Redevelopment Area And The Anchor Shops And Parking Garage For Items That Are Over-Budget; And, Retroactively Adopting And Appropriating The Budget For The Pennsylvania Avenue Shops And Parking Garage For Fiscal Year 2010/11.  
(Budget & Performance Improvement)